

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BONN IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY BRUSSELS IMMEDIATE

USMISSION USNATO IMMEDIATE

INFO USMISSION GENEVA IMMEDIATE

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EXDIS USSALTTOW

E.O. 11652: XGDS-1

TAGS: PARM, NATO, SALT, GW

SUBJECT: NEXT STEPS ON NON-CIRCUMVENTION

REFS: (A) STATE 61784; (B) BONN 4648 (NODIS)

1. ON FEBRUARY 14, FRG STATE SECRETARY VAN WELL INFORMED

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CHARGE THAT FEDERAL SECURITY COUNCIL HAD REVIEWED US DRAFT
OF SUBSTANTIVE POINTS OF EVENTUAL INTERPRETIVE STATEMENT ON
NON-CIRCUMVENTION (REF A). AS REPORTED IN REF B, FRG STILL
PREFERS THAT THERE BE NO NON-CIRCUMVENTION PROVISION. HOW-
EVER, THE FRG NOW ACQUIESCES IN THE US CARRYING OUT ITS
STRATEGY -- I.E., USE OF FALLBACK LANGUAGE AT OPPORTUNE
MOMENT IN NEGOTIATIONS -- "IN VIEW OF THE STATE OF

CONSULTATIONS REACHED" AND THE SATISFACTORY TENOR OF ELEMENTS OF INTERPRETIVE STATEMENT.

2. HAVING OBTAINED FRG ACQUIESCENCE TO PROCEEDING ON NON-CIRCUMVENTION, WE WISH TO TAKE EXPEDITIOUSLY FOLLOWING NEXT STEPS:

(A) HOLD BILATERALS FIRST WITH UK AND FRANCE, AND THEN WITH BELGIUM, TO ALLAY CONCERNS WHICH THEY, ALONG THE FRG, EXPRESSED AT FEBRUARY 24 NAC CONCERNING LANGUAGE (BELGIUM, FRANCE) AND TIMING (UK) OF FALLBACK.

(B) PUT NON-CIRCUMVENTION ON AGENDA AS US REPORT TO MARCH 29 NAC, AT WHICH (1) US PERMREP WOULD REVIEW OUR FALLBACK-PLUS-INTERPRETIVE-STATEMENT STRATEGY, AND INDICATE WE WILL BE GOING FORWARD WITH THE FALLBACK IN GENEVA WHEN WASHINGTON DECIDES THE ISSUE APPEARS RIPE FOR RESOLUTION; AND (2) FRG AND OTHERS WOULD INDICATE ACQUIESCENCE BY, AT A MINIMUM, NOT REPEATING PREVIOUS OBJECTIONS. THIS WOULD BE FINAL US STATEMENT IN NAC ON NON-CIRCUMVENTION FALLBACK. WE DO NOT WISH TO INVEST THIS AGENDA ITEM WITH ANY UNUSUAL IMPORTANCE, AND WOULD PREFER THAT NON-CIRCUMVENTION SIMPLY BE AN ITEM ON A NAC AGENDA CONTAINING OTHER SUBJECTS.

3. FOR PARIS AND LONDON: TO ALLAY FRENCH, AND ANY
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LATENT BRITISH, CONCERNS OVER SUBSTANCE OF FALLBACK, IN BILATERALS YOU SHOULD OUTLINE OUR INTENTION OF USING STATEMENT TO CONGRESS AND TO NAC AS MEANS OF PUTTING OUR INTERPRETATION ON RECORD. YOU SHOULD PROVIDE TEXT OF SUBSTANTIVE POINTS THAT WOULD BE CONTAINED IN AN EVENTUAL INTERPRETIVE STATEMENT (REF A, PARA 5) AS NON-PAPER. YOU SHOULD EXPLAIN WE ARE PROVIDING ACTUAL TEXT ONLY TO FRG, UK AND FRANCE AT THIS POINT, AND STRESS NEED FOR CONFIDENTIALITY REGARDING EXISTENCE AND CONTENTS OF A DRAFT INTERPRETIVE STATEMENT. YOU SHOULD INFORM FRENCH AND BRITISH OF OUR PLAN TO REPORT TO MARCH 29 NAC OUR INTENTION TO GO FORWARD WITH FALLBACK WHEN WASHINGTON JUDGES IT WILL RESOLVE ISSUE AND SEEK ADVANCE NOTICE OF VIEWS THEY INTEND TO EXPRESS AT THAT NAC.

4. FOR BRUSSELS: AFTER WE HAVE INFORMED YOU THAT BILATERALS WITH FRENCH AND BRITISH HAVE BEEN COMPLETED, YOU SHOULD HOLD BILATERAL WITH BELGIANS. IN BILATERAL YOU SHOULD REVIEW OUR INTENTION OF USING INTERPRETIVE STATEMENT TO CONGRESS AND TO NAC. HOWEVER, IN DOING THIS, YOU SHOULD NOT REPEAT NOT SPELL OUT INTERPRETIVE CRITERIA EMBODIED IN THIRD POINT OF PARA 5 OF REF A; NOR SHOULD YOU INDICATE WE HAVE EVEN PREPARED A DRAFT

INTERPRETIVE STATEMENT. RATHER YOU SHOULD GIVE ONLY A GENERAL CHARACTERIZATION OF THE CENTRAL POLITICAL POINTS OF THE INTERPRETIVE STATEMENT, ALONG THE FOLLOWING LINES:

BEGIN TALKING POINTS:

-- NON-CIRCUMVENTION PROVISION SIMPLY MAKES EXPLICIT THE INHERENT OBLIGATION ANY STATE ASSUMES WHEN PARTY TO AN INTERNATIONAL AGREEMENT NOT TO CIRCUMVENT PROVISIONS OF THAT AGREEMENT. NO ADDITIONAL LEGAL OBLIGATIONS ARE INVOLVED.

-- NON-CIRCUMVENTION PROVISION WILL NOT AFFECT EXISTING PATTERNS OF INTRA-ALLIANCE DEFENSE COOPERATION, NOR
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PRECLUDE COOPERATION ON MODERNIZATION.

-- NON-CIRCUMVENTION PROVISION WILL NOT PROVIDE SOVIETS ANY ADDITIONAL LEGAL OR POLITICAL GROUNDS TO CHALLENGE ALLIANCE ACTIONS.

-- THE US WILL CONSIDER FUTURE REQUESTS FOR TRANSFERS OF WEAPONS SYSTEMS AND TECHNOLOGY ON A CASE-BY-CASE BASIS, AS IT WOULD IN ABSENCE OF A SALT AGREEMENT. END TALKING POINTS.

YOU SHOULD ALSO STRESS CONFIDENTIALITY OF THE FACT OF THE US INTENTION TO ISSUE AN INTERPRETIVE STATEMENT AT AN APPROPRIATE TIME, AND ALSO OF THE SUBSTANCE OF SUCH A STATEMENT AND YOU SHOULD INFORM BELGIANS OF OUR PLANNED REPORT TO MARCH 29 NAC.

5. FOR BRUSSELS, PARIS AND LONDON: ON TIMING, YOU SHOULD INDICATE THAT, AFTER THE MARCH 29 NAC, WE PLAN TO TABLE THE FALLBACK AT SUCH TIME AS WASHINGTON IS CONFIDENT IT WILL RESOLVE THE ISSUE.

6. FOR BONN: YOU SHOULD INDICATE OUR APPRECIATION FOR GERMAN DECISION ON NON-CIRCUMVENTION, INFORM FRG OF ABOVE APPROACH TO UK, FRANCE, BELGIUM, AND NAC, AND INDICATE THAT WE WOULD ASSUME THEY WOULD AT A MINIMUM, VOICE NO FURTHER OBJECTIONS AT THE NAC IN ORDER TO CONVEY THEIR ACQUIESCENCE TO REST OF ALLIANCE. YOU SHOULD ALSO TELL FRG THAT WE DO NOT REPEAT NOT INTEND TO SHARE TEXT OF DRAFT INTERPRETIVE STATEMENT WITH ANY OTHERS EXCEPT UK AND FRANCE AT THIS POINT.

7. FOR USNATO; DO NOT PLACE NON-CIRCUMVENTION ON NAC
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AGENDA UNTIL RESULTS OF BILATERALS ARE IN. WE WILL
PROVIDE TEXT OF STATEMENT FOR AMBASSADOR BENNETT TO
DELIVER BY SEPTTEL. VANCE

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